

MEMO ENDORSED

NRDC

January 10, 2020

By ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
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Re: *Natural Resources Defense Council, Inc., et al. v. U.S. Department of the Interior, et al.*, 18-CV-4596 (VEC), consolidated with *National Audubon Society, et al. v. U.S. Department of the Interior, et al.*, 18-CV-4601 (VEC), and *State of New York, et al. v. U.S. Department of the Interior, et al.*, 18-CV-8084 (VEC)

Dear Judge Caproni:

Plaintiffs in the above-captioned consolidated cases jointly submit this letter respectfully requesting leave to file, at the conclusion of summary judgment briefing, a joint appendix containing copies of those portions of the administrative record that are cited or otherwise relied upon in the parties' summary judgment briefs, should the Court deem such an appendix useful. Defendants do not object to this request.

Pursuant to this Court's order of November 18, 2019, ECF No. 62, briefing on the parties' cross-motions for summary judgment will run from January 17 to May 1, 2020.¹ Pursuant to this Court's order of November 20, 2019, ECF No. 64, Defendants on November 21, 2019 filed the administrative record in this case, in hard copy format and via CD-ROM. *See* ECF No. 65.

Assuming the Court would prefer that relevant excerpts of the administrative record be electronically filed via ECF, Plaintiffs respectfully request leave to file a joint appendix—within 7 days of the conclusion of summary judgment briefing (that is, by May 8, 2020)—containing copies of those portions of the administrative record that are cited or otherwise relied upon in any of the parties' summary judgment briefs. *See, e.g.*, D.D.C. Local Civil Rule 7(n). This procedure would avoid duplicative filing of administrative record documents cited in different parties' briefs.

¹ Specifically, Plaintiffs' motions for summary judgment are due January 17, 2020; Defendants' cross-motion for summary judgment and opposition to Plaintiffs' motions is due March 2, 2020; Plaintiffs' replies in support of their motions and oppositions to Defendants' cross-motion are due April 1, 2020; and Defendants' reply in support of their cross-motion is due May 1, 2020.

Should the Court grant leave to file a joint appendix in this manner, Plaintiffs would also respectfully request a short, corresponding 7-day extension of the deadline to deliver courtesy copies of all papers relevant to the cross-motions—as required by Paragraph 4.C of the Court’s Individual Practices in Civil Cases—so that the joint appendix could be included in those papers. This extension would move the deadline for delivering courtesy copies from May 4 to May 11, 2020. Defendants do not object to this request.

We thank the Court for its consideration of and attention to these matters.

Respectfully submitted,

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Application GRANTED.

SO ORDERED.


1/13/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

FOR THE STATE OF NEW YORK

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